



# State of Nevada

## Division of Insurance

### Policy

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#### 1.0 PURPOSE

The purpose of this procedure is to provide direction to the Division of Insurance ("Division") on the overall process of responding to Public Records Requests ("Records Requests").

It shall also serve as notice to the public as to how to submit a Records Request to the Division.

The Division collects, generates, and maintains various records related to the business of insurance pursuant to Nevada Revised Statutes ("NRS") Title 57. The Division is committed to providing access to public records in accordance with NRS Chapter 239 ("Nevada Public Records Act"). All public records, which have not been declared by law to be confidential, for which the Division has legal custody and control, are available for inspection or copying. Nev. Rev. Stat. § 239.010. Personal identifying information or other confidential or privileged information is redacted. Nev. Rev. Stat. §§ 239.010; 603.040; 239B.030, -.040.

#### 2.0 SCOPE

These procedures apply to all Records Requests submitted to the Division of Insurance. All Division Records Officials are responsible for following this policy.

#### 3.0 EFFECTIVE DATE

This policy is effective upon the approval of the Commissioner of Insurance.

#### 4.0 RESPONSIBILITIES

The Public Information Officer will serve as the Records Official for the Division. All sections of the Division shall also identify a section Records Officer. Appointed Records Officials shall carry out the procedures identified in this policy.

All appointed Records Officials and section Chiefs shall undergo at least annual training related to these policies and procedures.

#### 5.0 HOW TO SUBMIT A RECORDS REQUEST

All Records Requests should be made through the Division's Public Information Officer:



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Public Information Officer  
jsunderland@doi.nv.gov  
(775) 687-0772  
Nevada Division of Insurance  
1818 E. College Pkwy., Suite 103  
Carson City, NV 89706

Although oral Records Requests are permitted by law, the Division strongly requests written requests to track your request and to ensure that the Division produces what has been requested. Nev. Rev. Stat. § 239.0107.1. The Division will produce public records that specifically fall within the request so that you are not charged for more than what you have requested. If your request is broad or if the Division is uncertain about what you are requesting, the Division may contact you for clarification.

The Division will produce public records responsive to your request by the end of the fifth business day after your request is received by the Division. If the Division needs additional time to respond to your request, the Division will provide you with written notice of that fact, and the date and time the Division expects to make the public records available for inspection or copied and sent for production. The Division charges a fee for all copies of public records produced pursuant to the Division's Fee Schedule found in this policy. Nev. Rev. Stat. §§ 239.052–.055.

Division staff is not authorized to provide legal advice. Nev. Rev. Stat. § 7.285. Therefore, Division staff cannot advise you as to which public records may meet your needs or the legal authority relative to the public records you seek. Nevada Revised Statutes are available online at <http://leg.state.nv.us/Law1.cfm>, or you may consult a Nevada-licensed attorney.

## 6.0 REQUEST FORM

Use of the attached Request Form to request access to or copies of public records is advised. This Request Form is not required for your public records request. However, this form expedites processing because it contains the information essential to the Division's processing your Records Request. Nev. Rev. Stat. § 239.008.4. Instructions for submitting a request can be found above.

## 7.0 GENERAL GUIDANCE FOR YOUR PUBLIC RECORDS REQUEST



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- 7.1** Be specific. Identify the content you seek by using dates, date ranges, names, types of records, or keywords. If necessary, the Division may ask you for clarification of the public records you seek.
- 7.2** Include your contact information, such as phone number, e-mail address, and mailing address.
- 7.3** The Division makes every attempt to respond to public records requests as quickly as possible. However, the Division may need additional time to respond to public records requests depending on the volume of requests, location of records, and staff availability. The Division may also need time to review records to ensure compliance with applicable laws regarding disclosure, confidentiality, or privilege of certain records. If additional time is needed, the Division will send you written notice that more time is needed, and provide you with a date and time the Division expects to have the public records you request available to you for inspection or by production.
- 7.4** Division staff is not authorized to provide legal advice. Nev. Rev. Stat. § 7.285. Therefore, Division staff cannot advise you as to which public records may meet your needs or the legal authority relative to the public records you seek. Nevada Revised Statutes are available online at <http://leg.state.nv.us/Law1.cfm>, or you may consult a Nevada-licensed attorney.
- 7.5** Once records are made available, if they are not retrieved by the Requestor within 30 days, they will be destroyed, and a new Records Request will have to be made to retrieve the public records in question.

#### **8.0 RECORDS OR INFORMATION THAT MAY BE CONFIDENTIAL OR PRIVILEGED**

The Division is required to produce public records that are not confidential or otherwise privileged by law. There are numerous records that are confidential or privileged under Nevada law. In the event a record you seek is confidential or otherwise privileged, the Division will provide you with written notification. Nev. Rev. Stat. § 239.0107.1(d).

For questions, comments, or concerns about public records requests, contact the Division's Public Information Officer.

#### **9.0 LIMITATIONS OF THIS POLICY**



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Division staff is not authorized to provide legal advice. Nev. Rev. Stat. § 7.285. Therefore, Division staff cannot advise you as to which public records may meet your needs or the legal authority relative to the public records you seek. Nevada Revised Statutes are available online at <http://leg.state.nv.us/Law1.cfm>, or you may consult a Nevada-licensed attorney.

#### 10.0 FEE SCHEDULE FOR COPIES OF PUBLIC RECORDS

You will be charged for your public records request if the Division produces public records responsive to your request, or produces a privilege log identifying records responsive to your request that cannot be produced. Fees for public records consist of the actual costs incurred by the Division for responding to a Records Request, such as Copy Fees, as well as other fees if applicable.

As authorized by NRS 239.052.4, the following fees apply to all requests to the Division for public records. All requests for public records, which results in costs to the Division in order to respond, will incur fees as set out below.

<b>TOTAL FEE =</b>	<b>+ Copy Fee</b> (if applicable) <b>+ Extraordinary Use Fee</b> (if applicable) <b>+ Court Reporter Transcript Fee</b> (if applicable) <b>+ Certified True Copies Fee</b> (if applicable) <b>+ Postage</b> (if applicable)
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#### 10.1 COPY FEE<sup>1</sup>

\$ 0.05 per page	Black and white (8 ½ x 11)
\$ 0.052 per page	Black and white (8 ½ x 14)
\$ 0.10 per page	Color (8 ½ x 11)
\$ 0.102 per page	Color (8 ½ x 14)
Actual cost per disk	Digital disk

The Copy Fee is the actual cost of the medium used to produce records, such as photocopies or electronic copies of public records on a disk. To the extent public

<sup>1</sup> The Division is authorized to recover its actual costs for providing a copy of a public record. Nev. Rev. Stat. § 239.052. The Division's actual costs include the cost of paper, toner, and postage. Copies are single-sided on white paper.



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records are requested in another medium not listed here, the actual cost to the Division will be charged.

#### 10.2 EXTRAORDINARY USE FEE<sup>2</sup>

Up to \$ 0.50 per page

Extraordinary use of personnel: Public records requests that require more than one cumulative hour of Division personnel time will be charged the time incurred, in 15 minute increments, based on the pay grade of each employee who gathers, reviews, redacts, copies, or otherwise processes the request as follows:

\$12/hour per Division employee (grades 10–19)  
\$18/hour per Division employee (grades 20–29)  
\$27/hour per Division employee (grades 30–39)  
\$40/hour per Division staff member (grades 40+)  
\$45/hour per Division insurance counsel (unclassified)  
\$50/hour per Division administrator (unclassified)

Extraordinary use of resources: Public records requests that require the use of technological resources will be charged the actual cost incurred by the Division for use of the resource in obtaining documents in response to a public records request.

Please note that other requests for public records, which result in extraordinary use of Division personnel or resources, may incur a fee even if no records are

<sup>2</sup> **NRS 239.055 Additional fee when extraordinary use of personnel or resources is required; limitation.**

1. Except as otherwise provided in [NRS 239.054](#) regarding information provided from a geographic information system, if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, charge a fee not to exceed 50 cents per page for such extraordinary use. Such a request must be made in writing, and upon receiving such a request, the governmental entity shall inform the requester, in writing, of the amount of the fee before preparing the requested information. The fee charged by the governmental entity must be reasonable and must be based on the cost that the governmental entity actually incurs for the extraordinary use of its personnel or technological resources. The governmental entity shall not charge such a fee if the governmental entity is not required to make extraordinary use of its personnel or technological resources to fulfill additional requests for the same information.

2. As used in this section, “technological resources” means any information, information system or information service acquired, developed, operated, maintained or otherwise used by a governmental entity.

(Added to NRS by [1997, 2384](#); A [2013, 323](#))



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produced. For example, if records are gathered, but withheld, and a log is identifying the records withheld is requested.

#### **10.3 COURT REPORTER TRANSCRIPT FEE<sup>3</sup>**

Copy Fee of transcripts + Court Reporter's per page fee based on contract with the State of Nevada.

#### **10.4 CERTIFIED TRUE COPIES**

\$5.00 per page.

#### **10.5 POSTAGE**

The requestor is responsible for Postage. On the Request Form, the requestor may select from various delivery options: Pick up, First Class U.S. Mail, or FedEx.

#### **10.6 PAYMENT**

Payment must be made by check or money order payable to the Nevada Division of Insurance. The Division will remit an invoice prior to producing the records.

#### **10.7 ESTIMATE OF COSTS**

As soon as possible, an estimate of costs will be provided in advance if the Total Fee is projected to exceed \$25.

#### **10.8 DEPOSIT REQUIRED**

If the estimated Total Fee is projected to be greater than \$25, a deposit of the total estimate of costs will be required before processing of the records will begin. If the final Total Fee is less than the deposit collected, the Division will refund the difference. If the final Total Fee is more than the deposit collected, payment in

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<sup>3</sup> The Division is authorized to recover its actual costs for the medium used to provide a copy of a transcript. Nev. Rev. Stat. § 239.053.1. In addition, the Division must charge the actual fee per page charged by the court reporter for the copy of the transcript, as set forth in the contract between the Division and the court reporter. Nev. Rev. Stat. § 239.053.1. The per-page fee charged by the court reporter, which is collected by the Division, is then transmitted to the court reporter. Nev. Rev. Stat. § 239.053.2.



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full of the final Total Fee is required before the records will be delivered.

#### 10.9 REQUEST OF FEE WAIVER

A financial hardship waiver, with an explanation of why such a waiver may be needed, may be requested in writing and may be granted upon the discretion of the Commissioner of Insurance.

#### 11.0 PROCEDURE FOR ACCEPTING RECORDS REQUESTS VIA TELEPHONE

For the sake of accuracy and tracking, the Division prefers to receive Records Requests in writing utilizing the Records Request Form. However, oral Records Requests are permitted by law, and the following procedure will be used to accept them:

**11.1** All oral Records Requests will be forwarded to the Public Information Officer;

**11.2** Utilizing the Records Request Form, the Public Information Officer will:

**11.2.1** Document Requestor Contact Information;

**11.2.2** Document Records Requested;

**11.2.3** Document preferred delivery method of records;

**11.2.4** Document the preferred method of shipping (if applicable); and

**11.2.5** Disclose that there may be a fee for the public records, and that a security deposit must be paid for any fee estimated to be greater than \$25 before the processing of the records begins.

#### 12.0 PROCESSING OF RECORDS REQUESTS

**12.1** Upon receipt of a Records Request, the Public Information Officer shall:

**12.1.1** Date stamp "Received" on the Records Request.

**12.1.2** Acknowledge receipt of the Records Request to the Requestor.

**12.1.3** Assign the Records Request a tracking number.



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## *Division of Insurance*

### **Policy**

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**12.1.4** Log the request for tracking purposes.

**12.1.5** Verify all essential information on the Request Form, and seek clarification from the Requester as needed.

**12.1.6** Summarize the Records Request identifying the specific Records that have been requested.

**12.1.7** Identify the Division sections that are subject to the Records Request ("subject sections"), and the timeline for responding to the Records Request.

**12.1.8** Deliver to the Records Officer of each subject section the following:

**12.1.8.1** Summary of the Records Request;

**12.1.8.2** A copy of the Records Request;

**12.1.8.3** A copy of the Public Records Request – Internal Checklist (Attached);

**12.1.8.4** Deadline for response; and

**12.1.8.5** Note identifying whether affidavit or certification is required.

**12.1.9** Notify the Requestor if the Total Fee is estimated to be greater than \$25 and submit an invoice for security deposit to the Requestor.

**12.1.10** Collect from each section's Records Officer:

**12.1.10.1** Relevant responsive records;

**12.1.10.2** Internal Checklists;

**12.1.10.3** Total Fees incurred; and

**12.1.10.4** Memos.





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**12.1.11** Review for completeness and deliver responsive records to the Chief Legal Secretary for review.

**12.1.12** If a Request cannot be completed within five business days, prepare a letter acknowledging receipt of the Request and estimating the date and time by which the Division will be able to respond to the Request.

**12.2** Upon receipt of a Records Request, the subject section's Records Officer shall:

**12.2.1** Submit an estimate of the Total Fee, as soon as possible, to the Public Information Officer taking into account and detailing the following:

**12.2.1.1** Estimated Copy Fee (if applicable);

**12.2.1.2** Estimated Extraordinary Use Fee (if applicable);

**12.2.1.3** Estimated Court Reporter Transcript Fee (if applicable);

**12.2.1.4** Estimated Certified True Copies Fee (if applicable);

**12.2.1.5** Estimated Postage (if applicable);

**12.2.2** Once the Total Fee has been accepted by the Requestor, work within the subject section to gather all records responsive to the Request;

**12.2.3** Make two copies of all records responsive to the Request;

**12.2.3.1** One copy should remain in the original form;

**12.2.3.2** One copy shall be reviewed, by the subject section, for confidential and privileged information, and marked for redaction;

**12.2.4** Draft a memo;

**12.2.4.1** Noting any responsive records that contain confidential or privileged information, as well as a citation to the statute(s) or regulations(s) that apply to information that has been redacted, or that should be withheld;



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**12.2.4.2** Identifying any extraordinary use of resources and the final cost of said resources;

**12.2.4.3** Noting if the Division does not have legal custody of the record or if the record was destroyed, and providing written notice of that fact and the name and address of the governmental entity that has legal custody of the record, if known;

**12.2.5** Provide copies of responsive records, completed internal checklist and the memo to the Public Information Officer as soon as possible, but no later than the due date noted on the Instruction Sheet.

**12.2.6** If the Request cannot be completed by the subject section by the due date on the Internal Checklist, the Records Officer shall notify the Public Information Officer in writing of the date and time the Records Officer will provide responsive records.

**12.2.7** If the Request calls for inspection of public records, the Records Officer shall supervise the requestor during the inspection.

**12.3** Upon receipt of responsive records, the Chief Legal Secretary shall:

**12.3.1** Prepare any affidavits, declarations, certifications of true copies, if applicable.

**12.3.2** Prepare a letter of closing.

**12.3.3** Refer the responsive records for attorney review and determination of whether a privilege log or other legal explanation is needed.

**12.3.4** Prepare the documents for delivery or pick up.

**12.3.5** File the unmarked copy of the produced records, original Records Request, Summary of the Records Request, Internal Checklists, Memos, cost estimates, final invoices and any other related documentation according to the records retention schedule.



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- 12.4** All invoices for security deposits, fees or applicable refunds shall be processed and issued by the Administrative Section.

Approved By		
Title	Signature	Date
Scott Kipper, Commissioner	<i>Scott Kipper</i>	04/01/2014
Document History		
Revision	Date	Change
(-)	<	Initial release.



## STATE OF NEVADA

## Public Records Request

Email, Deliver, Mail or Fax to:

**Attention: Public Records Officer**Nevada Division of Insurance, 1818 E. College Pkwy., Suite 103, Carson City, NV 89706; Fax: (775) 687-0788; Email: [jsunderland@doi.nv.gov](mailto:jsunderland@doi.nv.gov)

<b>Date of Request</b>	
<b>Requestor Contact Information</b>	
Name:	
Organization:	
Address:	
City, State, Zip:	
Phone:	
E-mail:	

<b>Records Requested:</b>	
Check one: <input type="checkbox"/> Paper copies <input type="checkbox"/> Electronic copies <input type="checkbox"/> Certified copies <input type="checkbox"/> Inspection (in person)	
<i>Please be specific and include as much detail as possible regarding the records you are requesting.</i>	

<i>To complete an estimate, the agency will need the following information:</i>			
<input type="checkbox"/> I will pick up	<input type="checkbox"/> Please FedEx <i>Fed Ex billing number:</i>	<input type="checkbox"/> Please send USPS	<input type="checkbox"/> E-mail (if format allows)

<b>Statement</b>	
<input type="checkbox"/> I understand there is a charge for copies of public records. I understand I will receive a written estimate for production of the records indicated above if the estimated cost is expected to be over \$25.00, which I will be required to pay in full prior to inspection or reproduction. Materials will be held for 30 days.	
<b>Requester Signature</b>	_____ Signature

## Office Use Only

Request status:		Estimate:	
Date	Request received	Estimate:	\$ _____
_____	Receipt acknowledgement issued	Date deposit received	_____
_____	Request filled	Actual (if different):	\$ _____
_____	Estimated completion	Date final payment received	_____
_____	Estimate provided	Completed by	_____
_____	Request denied in whole		
_____	Other:		

*Retain request form for 90 days following completing of request.  
RDA 2009047*

### **Public Records Request – Internal Checklist**

The Division has received the attached public records request (“Records Request”). Please follow these instructions to ensure the Division properly responds to this Request. Nevada law imposes certain obligations on agency employees when responding to public record requests.

<b>Instruction:</b>		<b>Completed:</b>	<b>By:</b>
<b>1.</b>	<b>Read the Summary of the Request.</b>		
<b>a.</b>	<b>Read the Records Request.</b>		
<i>NOTE: Records must be produced in the same manner that they are kept at the Division.</i>			
<b>2.</b>	<b>As soon as possible, provide to the PIO, a Fee Estimate utilizing the attached Fee Worksheet</b>		
<b>3.</b>	<b>Gather all records that respond to the Request. Make a copy of all of the records gathered. Copies should be kept in the same order in which they are kept in your Section’s files, except that records may be separated if they respond to different parts of the Request.</b>		
<b>4.</b>	<b>Review records as follows:</b>		
<b>a.</b>	Check that records respond to the Request.		
<b>b.</b>	Make two copies of all of the records that respond or potentially respond to the Request.		
<b>c.</b>	Without separating documents, note which records are confidential or privileged and why (see Reasons for Not Producing Records). <b>Do not remove confidential records.</b>		
<b>d.</b>	Redact private information from one set of copies of records.		
<b>e.</b>	If required, separate records according to Records Request specifications.		
<b>Follow Up:</b>		<b>Yes / No</b>	<b>By:</b>
<b>1.</b>	Did you review all of your Section’s records and files, including records stored off-site, that may have documents responsive to the Request?		
<b>2.</b>	Did you find records responsive to the Request?		
<b>3.</b>	Did you make copies of all of the records responsive to the Request?		
<b>4.</b>	Did you note which records are confidential?		
<b>5.</b>	Did you note why those records are confidential?		
<b>6.</b>	Did you review records for private information?		
<b>7.</b>	Did you redact private information contained in the records?		
<b>8.</b>	<b>Did you calculate the Final Total Fee using the Fee Worksheet?</b>		
<b>9.</b>	<b>Did you draft a memo?</b>		
<b>9.</b>	<b>Provide relevant records, checklists, fees and memo to the PIO.</b>		

### **Public Records Request – Fee Worksheet**

Extraordinary use of personnel: Public records requests that require more than one cumulative hour of Division personnel time will be charged the time incurred, in 15 minute increments, based on the pay grade of each employee who gathers, reviews, redacts, copies, or otherwise processes the request.

As soon as possible, please return this worksheet with the Fee Estimate column completed to the Public Information Officer. Upon completion of processing the records, please complete the Final Cost column of the worksheet and return it to the Public Information Officer with the Records.

<b>Expense</b>	<b>Cost per Unit</b>	<b>Estimated Quantity</b>	<b>Estimated Cost</b>	<b>Actual Quantity</b>	<b>Actual Cost</b>
<b>Copy Fee</b>					
<b>Black and white (8 ½ x 11)</b>	\$0.05 / page				
<b>Black and white (8 ½ x 14)</b>	\$0.052 / page				
<b>Color (8 ½ x 11)</b>	\$0.10 / page				
<b>Color (8 ½ x 14)</b>	\$0.102 / page				
<b>Digital disk</b>	Actual cost per disk				
<b>Extraordinary Use Fee</b>					
<b>Division employee (grades 10–19)</b>	\$12/hour				
<b>Division employee (grades 20–29)</b>	\$18/hour				
<b>Division employee (grades 30–39)</b>	\$27/hour				
<b>Division insurance counsel (unclassified)</b>	\$45/hour				
<b>Division staff member (grades 40+)</b>	\$40/hour				
<b>Division administrator (unclassified)</b>	\$50/hour				
<b>Other Fees</b>					
<b>Certified True Copy Fee</b>	\$5 / page				
<b>Postage</b>	Actual Cost				
<b>Court Reporter Transcript Fee</b>	Copy Fee of Transcripts + Court Reporter's per page fee				